

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BARBARA A. BUCKLEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-1370
)	
P.H. TECH. CORP.,)	Judge Conti
)	Magistrate Judge Hay
Defendant.)	

ORDER

AND NOW, this 18th day of July, 2006, after the plaintiff, Barbara A. Buckley, filed an action in the above-captioned case, and after a Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12 (b)(5) was submitted by the defendant, P.H. Tech. Corp., and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the defendant's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12 (b)(5) [Docket No. 4] is GRANTED and the Complaint is dismissed without prejudice.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order she must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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